

## **GENERAL PERMIT FOR STREAM RESTORATION AND HABITAT ENHANCEMENT**

This general permit applies to the activities associated with the restoration of altered or degraded streams, their banks and riparian lands. Riparian areas are the stream banks and adjacent low lying strip of land that is frequently scoured by high waters. The riparian area may typically correspond with the floodway. Stream in this case includes lakes, rivers, creeks, and other watercourses, but does not include wetlands. Stream restoration includes those activities that serve the purpose of restoring “natural” characteristics such as hydrology and substrates, native vegetation, and habitat functions to altered and degraded stream channels and riparian areas. Stream restoration activities include riparian revegetation, vegetative bank stabilization, and in-stream habitat improvement structures and activities. Authorized structures include, but are not limited to current deflectors, log sill structures, low head dams, bank crib units, rock substrates and boulder clusters. These structures and the activities necessary to their installation are hereby permitted by this general permit, provided the activities are done according to the general terms and conditions below.

### **Exclusions**

This general permit cannot be used to authorize work in the following circumstances:

- (a) where wetlands will be adversely affected by the proposed work;
- (b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;
- (c) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;
- (d) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or
- (e) when an individual permit is required.

Stream restoration and habitat enhancement projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

### **Notification**

Persons proposing to perform stream restoration activities in waters of State shall notify the Division by submission of an application, which includes the following minimum information:

- (a) a map showing the exact location of the proposed construction site; and
- (b) a single copy of construction plans which includes specifications for proposed stream channel alterations and pollution control methods or structures

Stream restoration activities shall not commence until the Division issues written notification that the proposal may proceed in accordance with the terms of this general permit or issues an individual permit.

### **General Terms and Conditions**

- 1) Excavation, dredging, bank reshaping or grading shall be limited to the minimum necessary to install authorized structures or prepare the bank for revegetation. These activities are prohibited from taking place directly in the water column, except where necessary to key into the stream bank in-stream structures such as log-sills, wing deflectors, k-dams and other similar structures. In-stream excavation must be minimized and should not result in more than an insignificant increase in turbidity or suspended solids and under no circumstance result in harm or detriment to fish and aquatic life or other classified uses of waters of the state.
- 2) All materials to be discharged or placed below ordinary high water must be free of pollutants, contaminants, toxic materials, trash, creosote treated timbers, or other wastes as defined by T.C.A. 69-3-103(18).
- 3) Equipment that will cause the least damage to the environment shall be selected for performing stream restoration. First consideration shall be given to the use of hand operated equipment such as shovels,

axes, chain saws, and winches. Bank shaping may be accomplished by small tractors, backhoes, small trackhoes, and small bulldozers. However, no work by larger equipment is authorized.

- 4) Where practicable, access to each area shall be made at one point only, limiting disruption of trees and other stream cover to an area less than twenty feet wide.
- 5) Soil materials must be prevented from entering waters of the state. Erosion and sedimentation control measures to protect water quality must be maintained throughout the construction period. Erosion and sedimentation controls shall include, but are not limited to straw or hay bales and/or silt fence, brush barriers, berms, sediment ponds and other proven devices. Hay bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along stream banks in cleared areas to prevent sedimentation to streams. They must be installed on the contour, entrenched and staked, and extend the width of the area to be cleared. Erosion and sedimentation controls must be repaired, if necessary, after rainfall.
- 6) Instream sedimentation control devices are not approved as primary treatment devices. They may be used only as backup or fail-safe protection. Separate erosion and sedimentation controls and sediment treatment devices must be utilized.
- 7) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for grading work and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly revegetated as soon as practicable.
- 8) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.
- 9) Upon achievement of final grade, all disturbed areas must be stabilized and revegetated within 30 days using appropriate native riparian species. Seed to be utilized shall include a combination of native species of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.
- 10) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date                      July 1, 2000

APPROVED: \_\_\_\_\_

Expiration Date                    June 30, 2005

Paul Davis, Director